

Notice of AllowabilityApplication No.
09/867,218

Applicant(s)

Cory Denison

Examiner

Avraham Lerner

Art Unit

3611



—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No. _____.
- (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
- (c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☒ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 3 ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____
- 5 ☐ Information Disclosure Statement(s) (PTO-1449), Paper No.(s). _____
- 6 ☐ Examiner's Amendment/Comment
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

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DETAILED ACTION

Allowable Subject Matter

1. Claims 1-7 are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art neither anticipates nor makes obvious a pedal powered flywheel power unit having all elements as claimed, in particular one with three distinct axle, bearing, and gear set assemblies having a flywheel, transfer unit, and pedal unit, respectively, and further including a transmission assembly having transmission input and output gears attached to the transmission on the flywheel axle. The above recitation, combined with the rest of the structure recited in the independent claims, clearly defines over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

3. The drawings filed on May 29, 2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review,"

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PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Molina (U.S. Patent No. 4,353,569), Stroud (U.S. Patent No. 4,445,701), Carpenter (U.S. Patent No. 4,456,277), Vestermark (U.S. Patent No. 4,532,769), Patrin (U.S. Patent No. 4,712,806), Molina (U.S. Patent No. 4,768,607), Dollison et al. (U.S. Patent No. 4,779,485), Donoghue (U.S. Patent No. 5,507,512), Beard (U.S. Patent No. 5,826,897), White (U.S. Patent No. 6,146,218), Wu (U.S. Patent No. 6,475,122 B2), and Brown (U.S. Patent No. 6,551,219 B1) disclose power transfer systems having flywheels for storing rotational energy from an operator-driven pedal axle.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423.

AVRAHAM LERNER
PRIMARY EXAMINER

A. Lerner 6/30/03

June 30, 2003